January 30, 1998

Mr. Seyed Sadredin
Director of Permit Services
San Joaquin Valley Unified
Air Pollution Control District
1999 Tuolumne Street, Suite 200
Fresno, CA 93721

Re: Proposed Federally Mandated Operating Permits

Dear Mr. Sadredin:

This letter provides our comments on eight proposed San Joaquin Valley Unified Air Pollution Control District (District) federally mandated operating permits received by EPA on December 18, 1997, and one recently revised proposed Title V permit (Pacific Gas and Electric) received by EPA on December 17, 1997. We appreciate the District's willingness to work with us to reach agreement on the necessary revisions for most of these proposed permits.

Based on your January 29, 1998 letter and your agreement to make the necessary changes, EPA is not objecting to the proposed Title V permits for CertainTeed Corporation, Crown Cork and Seal Company, Live Oak Limited, Pacific Gas and Electric, Texaco Trading and Transportation, and two proposed Title V permits for the West Kern Water District. Our attached comment letter lists the changes that are necessary prior to issuing these permits (designated as "potential objections") as well as additional recommendations and suggestions (designated as "comments"). We are available to work with the District to develop specific language to address these concerns. The District may issue final permits for these sources once the necessary corrections are made.

We understand that the District was not able to commit to all of the necessary revisions for Modern Welding. Based on our review of the proposed permits and the supporting information, EPA formally objects, pursuant to our authority under section 505 of the Clean Air Act (CAA) and 40 Code of Federal Regulations ("CFR") §70.8 (see also District Rule 2520, Section 11.7.1), to the issuance of the proposed permits for Modern Welding, as set out in detail in our attached comment letter. Under section 505 of the CAA and 40 CFR §70.8(c), EPA may object to a proposed Part 70 permit that EPA determines is not in compliance with applicable requirements, or fails to meet the requirements of Part 70. After EPA objects to a permit, the permitting authority has 90 days to submit a revised permit that meets EPA's objection. If the 90-day period expires without the objection being fully satisfied, section 505(c) of the Clean Air Act and 40 CFR

§70.8(c)(4) require EPA to issue or deny the permit. Because the objection issues must be fully corrected, we recommend that the District provide us with revised permits well in advance of the expiration of the 90-day period so that any outstanding issues can be resolved.

The District also submitted a proposed permit for Chalk Cliff Limited's gas turbine; the District has since decided to withdraw this proposed Title V permit. We have provided comments regarding this proposed permit because many of them are relevant to proposed permits submitted on December 30, 1997 for four other gas turbine permits. (Many of our comments for the Live Oak Limited proposed permit are similarly related.) We recommend that the District temporarily withdraw these four proposed permits to address the objections and comments listed in this letter. My staff are available to work with the District to revise these permits and identify any source-specific potential objection issues for these four turbines. Once the potential objection issues for these sources were corrected, EPA would expedite the official review process.

I would like to thank you and your staff for all your help in providing information and in discussing these issues with us. We are pleased to have reached agreement on the majority of the proposed permits. San Joaquin's engineering analyses, provided with each permit, have been a valuable tool in determining whether all applicable requirements have been addressed. If you have any questions concerning our comments, please contact Matt Haber at (415) 744-1254.

Sincerely,

David P. Howekamp
Director
Air Division

Enclosures

cc: Martin Keast, SJVUAPCD
Rick McVaigh, SJVUAPCD
Ray Menebroker, CARB
Roger Cheng, Crown Cork and Seal Company
Jeffrey T. Curtin, CertainTeed Corporation
Linda Gonsalves, Pacific Gas and Electric Company
Tim Hemig, Chalk Cliff Limited and Live Oak Limited
Gerlin Melton, West Kern Water District
Karen L. Polyniak, Texaco Trading and Transportation
Richard Reis, Modern Welding Company

Enclosure 1
EPA Objection and Comments for Modern Welding Company Proposed Title V Permit (project #970319)

Objection

1) Shotblast Operations

The proposed permit does not contain all requirements from the source's ATC permit. Specifically, ATC requirements regarding shotblasting operations (requiring the use of a baghouse, a daily emission limit, etc.) must be included in the Title V permit for this source.

We understand that the California Health and Safety Code exempts sandblasting operations from State and District rules adopted after 1974 (H&SC 41900 et al). This provision is not part of the SIP, however. Therefore, it does not alter the requirement to include the NSR permit requirements in the Title V permit. We understand that you believe that guidance from the California Air Resources Board (CARB) will be necessary to make this change, and we would be happy to discuss our concern with CARB.

Potential Objections

1) Rules 4603 and 4684

The proposed permit does not contain all applicable requirements for Rules 4603 and 4684. This is also problematic because the proposed permit would shield the source from these rules. In order for the permit and permit shield to be acceptable, the proposed permit must contain the following requirements:

Rule 4603:

"An enclosed system must totally enclose spray guns, cups, nozzles, bowls, and other parts during washing, rinsing, and draining procedures." (section 5.4.4)

"No person shall solicit or require for use or specify the application of a coating subject to this rule is such use or application results in a violation of any of the provisions of this rule. The prohibition of this Section shall apply to all written or oral contracts under the terms of which any coating is to be applied to any metal part or product at any physical location within the District." (section 5.6)

"For determination of compliance and enforcement of the limits specified in Section

5.0 of this rule, the VOC content of any coating determined to exceed its applicable limit through the use of either product formulation data or the test method in Section 6.3.1 shall constitute a violation of this rule." (section 6.1.1 - see our additional comments on test methods below).

"Maintain … VOC content and specific chemical constituents of coatings as applied, and … solvents." (section 6.2.1)

Rule 4684

"Use self-closing containers for the disposal of all uncured polyester resin materials, cleaning materials, or any unused VOC materials in such manner as to effectively control VOC emissions." (section 5.3.2)

2) EPA Method 24

The proposed permit does not contain sufficient periodic monitoring requirements. The proposed permit allows compliance to be determined using product data from the manufacturer rather than EPA test method 24. Product data is acceptable only if the manufacturer has accurately quantified the VOC content of the materials used. Material Safety Data Sheets (MSDS) generally indicate what types of materials may be included in a product rather than the actual contents and are frequently too general to be used for compliance purposes. We recommend using the language in the proposed Title V permit for Crown Cork and Seal Co. This permit allows the use of verified manufacturer's data that is based EPA test method 24, but not unverified data such as MSDS.

Comments

1) Spray Equipment Clean-up

We recommend that the permit specify a primary spray equipment clean-up compliance option and any alternative operating scenarios that the source may wish to request. The current condition allows equipment that is "equivalent" to an enclosed system based on Rule 4603, section 5.4.4. The permit should specify any equipment that the source wishes to be considered equivalent to improve the enforceability of the permit.

2) Resin VOC limit

The original NSR permit limits the styrene content of any resin to 50% styrene. The proposed title V permit contains a limit that applies only to "polyester resins." EPA recommends that the District include a styrene limit of 50% for all resins unless the final permit analysis shows that the facility cannot use resins other than polyester

resins.

Enclosure 2
EPA Comments on Proposed Title V Permits

A) CertainTeed Corporation Proposed Title V Permit (project #960661)

Potential Objections

1. Prevention of Significant Deterioration Emission Limit

The proposed Title V permit does not require compliance with a condition in the current PSD permit. Condition 17 of the proposed permit contains an emission rate of 4.5 lbs PM/hr for Unit C-12; the current PSD permit limits emissions to 2.6 lbs PM/hr. Although CertainTeed has requested that EPA increase the PSD limit, this revision has not yet been approved. The final Title V permit must require compliance with the current PSD permit emission limit unless and until a higher limit is approved. We do, however, have suggestions for flexibility in this area. For example, it may be possible for the Title V permit to anticipate such an increase in the PSD limit, obviating the need for a revision to the Title V permit at a later date. We would be happy to discuss appropriate options with the District.

2) NSPS Subpart CC

CertainTeed's Title V application states that the source is subject to NSPS Subpart CC, including an emission limit of 0.25 gram particulate per pound of glass produced and 7.5 lb/hour at full production. The proposed permit does not contain this standard and must be revised accordingly.

Comments

1) Fuel Use Restrictions

The permit contains conflicting requirements on the fuels that may be used. For example, Condition 9 for Unit C-261-2 states that only PUC-regulated natural gas may be used, while Conditions 4 and 5 imply that the source may also use fuel oil. The permit should clarify whether Condition 9 is intended to require that the source burn only natural gas, or to require that the source meet PUC quality standards when it burns gaseous fuel. (This comment also applies to Unit C-261-4.)

In addition, Condition 6 of the permits for Units 3 and 4 requires that the source combust only PUC-regulated natural gas. Condition 5 in each permit contains notification requirements for fuel switches. We believe that Condition 6 overrides the implication in Condition 5 that fuel switches may be allowed, but we recommend

revising the permits to clarify that fuel switching is not allowed.

2) Updated Mailing Addresses

Please update the EPA mailing address listed in the proposed title V permit. EPA Region IX has reorganized and reports that were previously sent to the "Air and Toxics Division (attn: A-3-3)" should now be sent to the "Air Division, (attn: Air-5)".

3) Recordkeeping for Emergency IC Engines

The source is required to monitor the sulfur content of non-ARB certified diesel fuel (Condition 6 in each unit's permit). We suggest that Condition 7 require the source to record not only operating hours but also the results of the sulfur monitoring. Although five-year recordkeeping for fuel sampling is already required by facility-wide conditions, this change will clarify permit requirements.

4) Internal Combustion Engine Units 27-31

The proposed Title V permits must ensure compliance with all applicable requirements, including EPA and District pre-construction permitting requirements. According to District staff, the units were exempt from permitting under the applicable State Implementation Plan (SIP) rule at the time that they were installed (prior to 1985). These units were not permitted until 1993, and would have been subject to the SIP NSR rule if they had not been constructed prior to 1985. The final permit should explain why these units are exempt from the SIP NSR requirements, and we also recommend verifying that Prevention of Significant Deterioration is not an applicable requirement for these engines based on their installation date.

B) Crown Cork and Seal Company Proposed Title V Permit (project #970294)

Potential Objection

1) Authority to Construct Limits for Units 4, 5, and 7

The proposed permit does not include relevant conditions from Stanislaus County ATC permits 6-045-14, 6-045-15, and 6-045-16 for Performance Welding Bodymaker units N-2231-4-1, N-2231-5-1, and N-2231-7-1. These omitted conditions restrict the spray coating to one brand, Valspar XP2365, thereby limiting the VOC content of side-seam spray coatings to 551 g/L of VOC. This limit is more stringent than the proposed Title V permit's limit of 660 g/L of VOC. The ATC permits also generally prohibit the addition of thinner to the coating. The District must either 1) show that these limits were revised consistent with the applicable NSR requirements for the source or 2) include an equivalent VOC limit in the final title V permit. These concerns also apply to the ATC limits for Units 1, 2, 3, and 6.

C) Live Oak Limited and Chalk Cliff Limited Proposed Title V Permits (projects # 961101 and 970693)

On January 29, 1998, the District informed EPA that Chalk Cliff Limited (CCL) has requested to withdraw its Title V permit application because, effective March 1, 1998, the source will no longer be subject to District Rule 2520. In addition, the District has verbally informed EPA that this proposed permit will be withdrawn. Therefore, we are not objecting to the proposed permit for CCL, and we are providing comments regarding CCL for your information only.

Potential Objections

1) Malfunction Exemption

The LOL and CCL permits contain new malfunction exemptions[1] from Best Available Control Technology (BACT) that are not allowed in the ATCs for these sources. These exemptions must be removed because they conflict with the underlying applicable requirements (i.e. the ATCs for these sources and BACT requirements). The District may include a malfunction exemption only if it is specifically limited to applicable requirements that explicitly contain this exemption.

2) Natural Gas Limitation

The proposed permit for LOL contains several conditions (including Conditions 20, 48, and 53) specifying compliance requirements for burning non-PUC gas. These conditions are inappropriate because, according to Condition 5 of the proposed permit, LOL may burn only PUC-regulated gas. The District must delete all conditions that allow or imply that non-PUC quality gas may be used. This comment also applies to the proposed permit for CCL, which also may burn only PUC-regulated natural gas (Condition 7).

3) Periodic Monitoring for PM_{10}

The proposed permits do not adequately address periodic monitoring for daily PM_{10} emission rates. We understand that the District intends to investigate whether available source test data for similar units show that non-compliance is unlikely. Periodic monitoring must be required unless the District demonstrates that periodic monitoring is not necessary to ensure compliance with applicable requirements.

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[1]For example, see conditions 8, 11, 23, 24, and 25 for Chalk Creek Limited and conditions 3, 7, 8, 11, and 12 for Live Oak Limited.

EPA believes that, absent convincing data from similar sources, periodic monitoring for PM_{10} would be necessary for both LOL and CCL. AP-42 contains emission estimates that are higher than the daily PM_{10} limits in the LOL and CCL NSR permits,[2] which indicates that periodic monitoring is necessary to assure compliance with the emission limit. (EPA is assuming that the proposed Title V permit limits are equivalent to the NSR permit limits, though they are expressed in different units). Unless the District demonstrates that another type of periodic monitoring will assure compliance with the applicable emission limit, periodic monitoring must at least consist of testing for PM_{10} during the annual stack testing for NOx and CO currently required for each source. If the source testing establishes that emission violations are unlikely, this frequency may be reduced. (LOL Condition 47, CCL Condition 26). We recommend the use of EPA-approved ARB Method 5 for source testing to determine compliance with the daily PM_{10} emission rate.

4) Compliance Requirements for Gaseous Pollutants

The permits must clearly state that CEM data can be used to determine compliance with the NOx and CO concentration and daily emission limits to provide adequate periodic monitoring. Condition 50 in the LOL proposed permit states only that compliance shall be determined by sample collection.

The District must also broaden the recordkeeping requirements that currently apply only during start-up or shut-down (LOL Condition 52, CCL Condition 34). The district must revise the proposed permits to require the source to determine compliance with the daily emission limit each day. We also recommend revising LOL Condition 21 and CCL Condition 32 to specify that CEM averaging times include daily averages.

The proposed permits must also be revised to specify appropriate short-term averaging times. Although the permits currently contain concentration limits for nitrogen oxides (NOx), carbon monoxide (CO), and volatile organic compounds (VOCs), they do not contain explicit averaging times. We believe that the default averaging time for NOx and CO would be hourly because hourly data must already be collected under 40 CFR section 60.13 (h) (as incorporated by reference in LOL Condition 19 and CCL Condition 42). The permit could instead specify three-hour averages based on the

[2]The limit for Live Oak Limited is 66.29 lbs PM10/day, while the limit for Chalk Creek Limited is 0.01322 lbs/MMbtu and the proposed title V permit limits this facility to 140.64 lbs PM10/day. The AP-42 emission factors of 0.0193 lbm/MMbtu (solid) and 0.0226 lbm/MMbtu (condensible) convert to 8.75 lbm/hr and 10.2 lbm/hr with at a heat input of 453.5 mmbtu/hr. These emission factors are not intended to determine compliance with the applicable emission rates, but to determine whether source-specific information (i.e. stack testing) is necessary to determine compliance.

District source testing policy and agreements with EPA for previous permits.

5) NSR Source Testing Requirements for Chalk Creek Limited

The proposed Title V permit for CCL does not contain annual VOC source testing requirements contained in the NSR permit (S-723-1-2). The permit analysis states that NSR permit Condition 31 was included in Condition 26 of the Title V permit for the turbine. Condition 26 of the Title V permit for Unit 723-1 contains several source testing requirements but not the VOC source testing requirements.

Comments

1) General Conditions for Live Oak Limited

The proposed permit for LOL does not contain the proposed facility-wide permit conditions. We recommend proposing general conditions for this facility that are consistent with the comments on your facility-wide conditions in our September 19, 1997 comment letter (attachment 2).

2) Grain Loading Limit

The District has submitted data showing that emissions from several similar sources are much lower than the 0.1 grain particulate/dscf limit in the proposed permits for these two sources. We believe that this type of demonstration that no periodic monitoring is necessary is acceptable. However, your review should consider whether these sources were controlled by selective catalytic reduction (SCR) and, if not, whether SCR could lead to increased particulate emission rates.

D) Pacific Gas and Electric - Avenal Facility - Proposed Title V Permit (project #960822)

Until December 17, 1997, the District had not formally submitted a proposed permit for this source to EPA. Although an earlier draft permit had been submitted to EPA for review, EPA had informed the District that this submittal did not contain all information necessary to review it and that therefore EPA's 45-day review period had not begun. In addition, the December 17 permit was substantially revised from the previous submittal, entitling EPA to a 45-day review period beginning December 17. (See District Rule 2520, Section 11.3.3, and 40 CFR section 70.8). For these reasons, EPA is formally commenting on this proposed permit at this time.

Comments

1) Periodic Monitoring for Daily Emission Rates

The proposed permit does not contain federally enforceable periodic monitoring requirements sufficient to ensure compliance with the daily NOx and CO limits for the four 1,320 horsepower internal combustion engines. The proposed permit contains a requirement to test once every 8,760 hours of operation, which could be as infrequent as once every several years. The permit must contain adequate periodic monitoring for the daily NOx and CO emission limits and a method for converting the results of the periodic monitoring to units of lbs/per day to be consistent with the emission limits.

We believe that the portable analyzer requirements in the proposed permit would provide adequate periodic monitoring, and we recommend one of two modifications to strengthen this method. One option would be to use the portable analyzers as an indicator of source performance. In this case, if the results when converted to a lb/day basis indicate that emissions exceed the daily limits, a formal stack test would be required. The stack test could be avoided if the source promptly takes corrective action and demonstrates through an additional test with the portable analyzers that the compliance problem is not ongoing. The other alternative is to use the portable analyzers to directly determine compliance with the emission limits. In this case, EPA recommends specifying how the engine load will be converted to a flow rate so that the portable analyzer's ppm readings can be converted to a pound per day rate. We also recommend the use of Protocol 1 cylinder gas in condition number 19 for each unit to ensure proper calibration. We are also willing to discuss other alternatives for monitoring using the portable analyzers as long as the permit contains enforceable periodic monitoring requirements that assure compliance with the daily emission limits.

2) Periodic Monitoring for Gas Transfer

PG&E requested a reduction for some compliance testing requirements from annually to once every five years. EPA recommends including the same compliance testing frequency specified in the permit template for this type of unit.

E) Texaco Trading and Transportation - Tracy Facility - Proposed Title V Permit (project #970264)

Potential Objections

1) Periodic Monitoring for Particulate and Sulfur Oxides (SO_x)

The permit analysis predicts that the facility will violate the 0.1 g particulate /dscf emission limit (District Rule 4201) when firing high sulfur fuel. Therefore, annual source testing is not adequate periodic monitoring requirements for this source. As we have agreed with the District, the permit must be revised to include more frequent periodic monitoring requirements to the permit. Frequent source testing would meet this requirement, but may not be necessary if appropriate fuel quality sampling is requirement. Under this approach, the District must establish sulfur and ash content limits based on the make-up of the fuel used during the initial source testing and then require PM compliance testing whenever the fuel sampling indicates that non-compliance is likely. This fuel sampling would have to be conducted weekly unless the fuel is received in batches less often than weekly. The fuel sampling must also be used to determine compliance with SO_x emission rates. We recommend the use of EPA-approved CARB test method 5.

We also recommend including specific conditions that will prevent non-compliance with this emission limit. For instance, Condition 7 for the heaters limits the fuel sulfur content to 3% to assure compliance with sulfur dioxide limits. EPA recommends including similar conditions (i.e. sulfur content and, if necessary, ash content) that are necessary to establish compliance with Rule 4201. Alternatively, the permit should require source testing when these parameters indicate that the source is not in compliance with this emission rate.

2) Periodic Monitoring for Opacity

The proposed permit does not contain adequate periodic monitoring for opacity. Opacity is a significant concern at this facility due to the low quality fuel that is burned. Therefore, adequate periodic monitoring is necessary to assure compliance with the 20% opacity limit. The current language requires that the source monitor for equipment malfunctions and excessive visible emissions. While we agree that the heaters should be checked at least weekly, EPA believes that the proposed approach must be revised for two reasons. First, the permit analysis does not contain information showing that opacity emissions at or above the level of the standard are unusual. Therefore, detecting changes in operation and opacity are not by themselves adequate to determine compliance. Second, a monitoring procedure based on EPA method 22 can be used to determine whether opacity is present, but not the degree of opacity that is present. Therefore, the permit must require frequent method 9 opacity readings by a certified reader. We recommend daily method 9 opacity readings until

compliance is established. Once continuous compliance is established, we recommend monitoring no less frequently than weekly.

Comments

1) NOx Compliance Equation

Condition 4 of the proposed permit relies on an estimate of NOx emissions to determine compliance with the 140 lb/hr emission limit. The permit analysis does not explain how this equation is related to the source's NOx emissions. EPA is not requiring compliance testing for this limit because the District has shown that emissions are expected to be only five percent of the applicable standard. However, EPA believes that emission estimates or calculations that indicate a source's compliance status may be used to trigger additional compliance testing but may not replace any necessary compliance testing.

2) Representative Source Testing

The conditions for this permit allow the use of representative source testing for "similar" units. However, EPA has recommended more specific requirements for representative source testing. In response, the District agreed to modify the most recent permit templates that contain this type of representative source testing.[3] These revised templates require an initial test showing that emissions are 90% or less of the standard and that the variability between source tests is less than 25%. They also require that the units receive similar maintenance and tune-ups. Because these permit conditions will be revised when the source switches to natural gas in 2001, we are not objecting to these permits. However, we recommend adding these caveats to the Texaco permits.

F) West Kern Water District - Facilities S-348 and S-353 - Proposed Title V Permits (projects #960970 and 961038)

Comments

1) Fuel Use Restrictions

The permit conditions for many of the individual engines contain conflicting limits on the type of fuel that may be used. We understand that the conditions are based on combining two templates (SJV-IC-3 and SJV-IC-4). The two templates cannot be

[3] See SJV-BSG-14-0, 4-29-97, and other higher numbered templates in this series. Representative source testing in earlier BSG templates was not included in the proposed permits that were sent to EPA for review.

combined, however, as each is designed for sources that burn only one fuel. Template SJV-IC-3 states the source shall fire natural gas and template SJV-IC-4 states that the source shall fire LPG. Therefore, we recommend using these templates as general guidance, but evaluating the specific conditions that are appropriate for this source. The use of alternative operating scenarios (Rule 2520, section 9.11) is one possible approach to allowing the use of alternate fuels.

2) Permit to Operate Conditions

EPA recommends that the District verify that the Permit to Operate conditions that are listed as non-federally enforceable do not derive from any federally enforceable requirement.

Enclosure 3
General Permit Recommendations

1) Insignificant Activities

The proposed permits each contain an "Attachment B, Exempt Equipment." The heading for the list reads, "The following exempt equipment was identified by the applicant on TVFORM-003, Insignificant Activities." There is an important distinction between "insignificant activities" and "exempt equipment." "Exempt equipment" generally refers to equipment that is exempt under local preconstruction permitting requirements, while "insignificant activities" are not exempt from applicable requirements under Title V. During a conference call on September 16, 1997, the District agreed to add language to the general permit conditions to clarify that the insignificant activities listed in Attachment B of each permit are subject to generally applicable requirements. We recommend including this language in each of the most recent proposed permits as well.

2) Permit Shield

Several of the proposed permits contain permit shields that state "compliance with permit conditions in the Title V permit shall be deemed compliance with the following applicable requirements..." This language was developed for the templates, and, in the case of templates, is true only for the equipment covered by the template. In the context of a source-specific permit, this language should be clarified to apply only to the units covered by the applicable templates. We are requesting a change only for clarification, which will not affect the intended applicability of the shield. The following language could be used:

> "For the following equipment [ ], compliance with the permit conditions will be deemed..."

3) Facility-Wide Permit Conditions

All permits contain language inconsistent with a Part 70 requirement that the operator submit reports of any monitoring <u>at least</u> every six months. The language must be corrected as per EPA comments on the same condition in the umbrella template, which provide that monitoring reports be submitted every six months, unless <u>an applicable requirement requires more frequent submittal.</u>

As EPA commented on previous templates, when a District rule is cited (cross-referenced) within a permit condition, the latest amendment date should be included so that it is clear to a source with which version of the rule it must comply. The following conditions in the facility-wide permit language require this addition:

Conditions 4, 11, 22, 24, 27, 31, 32, and 33, as well as any occurrences in the source-specific portions of the permit.

4) Risk Management Plans

We recommend that for sources required to submit a risk management plan (RMP) under section 112(r) of the Clean Air Act, the following language be included in the permit (see also the applicable permit requirements contained in 40 CFR §68.215):

> "This facility is subject to 40 CFR part 68. The facility shall submit a risk management plan (RMP) by June 21, 1999, or other dates specified in 40 CFR 68.10. The facility shall certify compliance with these requirements as part of the annual compliance certification as required by 40 CFR part 70."

When the District believes that the facility could be subject to the requirements or the owner or operator wants flexibility to preclude a permit reopening if the source becomes subject to 112(r), the following language could be used instead:

> "Should the facility, as defined in 40 CFR §68.3 become subject to part 68, then the owner or operator shall submit a risk management plan (RMP) by the date specified in 40 CFR §68.10. The facility shall certify compliance as part of the annual certification as required by 40 CFR part 70."

We recommend that the District add the general permit template condition for 40 CFR part 68 (Risk Management Plans) where appropriate.

5) Shield from Rule 2010, section 4.0

The general conditions for the CertainTeed proposed permit grant the source a shield from sections 3.0 and 4.0 of Rule 2010 (facility-wide Condition 39). However, the permit appears to include only the permit application requirements specified in section 3.0. Therefore, we recommend adding this requirement to the permit or removing the permit shield for this requirement, and revising any other permits that contain this inconsistency.